

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-22, 24, and 25 are presently pending in this case. Claims 1, 2, 16, 21, and 22 are amended, Claim 23 is canceled without prejudice or disclaimer, and new Claims 24 and 25 are added by the present amendment. As amended Claims 1, 2, 16, 21, and 22 and new Claims 24 and 25 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, Claims 2 and 16 were objected to; Claim 23 was rejected under 35 U.S.C. §101; Claims 1, 2, and 4-23 were rejected under 35 U.S.C. §102(e) as anticipated by Okada et al. (U.S. Patent No. 6,922,521, hereinafter “Okada”); and Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Okada.

The abstract is amended herewith to conform to U.S. practice. No new matter is added.

With regard to the objection to Claims 2 and 16, Claims 2 and 16 are amended to provide antecedent basis for all terms. Accordingly the objection to Claims 2 and 16 is believed to be overcome.

With regard to rejections of Claim 23, Claim 23 is canceled without prejudice or disclaimer, making these rejections moot.

With regard to the rejection of Claim 1 as anticipated by Okada, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

generating means for generating said AV stream
constituting each of a plurality of reproduction paths, each
reproduction path including a plurality of AV segments on a
timeline, ***each reproduction path including AV segments not
included in other reproduction paths;***

¹See, e.g., Figures 7-9 and paragraphs 118-120 of the publication of the specification.

controlling means for controlling the generation of said AV stream by said generating means; and
recording means for recording to said recording medium said AV stream generated by said generating means; wherein said AV stream is constituted by data blocks making up predetermined units; and wherein said controlling means controls parameters for said AV stream generated by said generating means as well as a layout of said data blocks, in accordance with information indicative of reproducing characteristics in effect when said AV stream recorded on said recording medium is reproduced therefrom.

Okada describes a disk 100 which includes original PGC information 50 and user-defined PGC information 70. The outstanding Office Action asserted that original PGC information 50 and user-defined PGC information 70 are “a plurality of reproduction paths” as defined in original Claim 1.² However, as described at column 8, lines 19-21 of Okada, user-defined PGC information 70 is simply a different reproduction order of the objects included in original PGC information 50. Thus, original PGC information 50 and user-defined PGC information 70 do not include *AV segments not included other reproduction paths* as recited in amended Claim 1. Therefore, original PGC information 50 and user-defined PGC information 70 of Okada cannot be “a plurality of reproduction paths” as recited in amended Claim 1. Consequently, as Okada does not teach “generating means” as defined in amended Claim 1, Claim 1 (and Claims 2-20 dependent therefrom) is not anticipated by Okada and is patentable thereover.

Amended Claims 21 and 22 recite in part “generating said AV stream constituting each of a plurality of reproduction paths based on said parameters for said AV stream and on said layout of said data blocks determined in said determining along with said parameters, each reproduction path including a plurality of AV segments on a timeline, *each reproduction path including AV segments not included in other reproduction paths.*” However, as noted above, user-defined PGC information 70 is simply a different

²See the outstanding Office Action at page 4.

reproduction order of the objects included in original PGC information 50. Thus, the device described in Okada does not generate original PGC information 50 and user-defined PGC information 70 including *AV segments not included other reproduction paths* as recited in amended Claims 21 and 22. Therefore, original PGC information 50 and user-defined PGC information 70 of Okada cannot be “a plurality of reproduction paths” as recited in amended Claims 21 and 22. Consequently, as Okada does not teach “generating” as defined in amended Claims 21 and 22, Claims 21 and 22 are also not anticipated by Okada and is patentable thereover.

New Claims 24 and 25 are supported at least by Figures 7-9 and paragraphs 118-120 of the publication of the specification. New Claim 24 recites in part “an AV stream generator configured to generate said AV stream constituting each of a plurality of reproduction paths, each reproduction path including a plurality of AV segments on a timeline, *each reproduction path including AV segments not included in other reproduction paths.*” As noted above, user-defined PGC information 70 is simply a different reproduction order of the objects included in original PGC information 50. Thus, the device described in Okada does not include any device configured to generate original PGC information 50 and user-defined PGC information 70 including *AV segments not included other reproduction paths* as recited in new Claim 24. Consequently, as Okada does not teach “an AV stream generator” as defined in new Claim 24, new Claim 24 (and new Claim 25 dependent therefrom) is also not anticipated by Okada and is patentable thereover.

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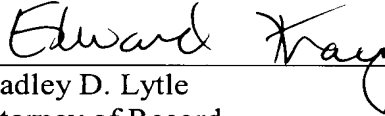
Reply to Office Action of February 10, 2009

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Bradley D. Lytle", is written over a horizontal line.

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